

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4663 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE R.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the fair copy of the judgement?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

1 to 5: No

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

NATUBHAI D PATEL

Appearance:

MR HARDIK C RAWAL for Petitioner

MR HK RATHOD for Respondent No. 1

CORAM : MR.JUSTICE R.A.MEHTA

Date of decision: 19/03/98

ORAL JUDGEMENT

1. The ST Corporation is aggrieved by the judgment and award of the Industrial Tribunal whereby the action of the ST Corporation of placing the respondent workman at one stage below has been set aside and he has been reinstated with continuity of service and benefits. This award was passed on 12th March 1985 and it is implemented by the Order No. 18 of 1986 dated 6.1.1986, a copy of

which is placed on record by Mr.Rathod. It appears that in this petition, notice pending admission was issued and ad-interim relief was granted on 8th September 1986. Before that date, the award of the Industrial Tribunal was already implemented. Now, 12 years have passed thereafter. After lapse of such a long period, it would be futile to undertake exercise as to whether the Industrial Tribunal should have interfered with the minor penalty or not. The Industrial Tribunal has considered that the ST Corporation could not produce inquiry record and, therefore, the Industrial Tribunal could not go into the question raised by the employee in respect of the legality and validity of the inquiry. It was a valid ground for setting aside the order of punishment imposed by the employer.

There is no merit in this petition. Hence it is dismissed. Rule discharged.

mhs/-